



Access to Information Act

Annual Report to Parliament

April 1, 2020 – March 31, 2021

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1. INTRODUCTION

This annual report is intended to describe how the Canada-Newfoundland and Labrador Offshore Petroleum Board administered its responsibilities in the operation of the *Access to Information Act*.

The *Access to Information Act* was proclaimed on July 1, 1983.

2 (1) The purpose of this Act is to enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and to enable public debate on the conduct of those institutions.

This report has been prepared pursuant to section 94 of the *Access to Information Act*.

94. (1) Every year the head of every government institution shall prepare a report on the administration of this Act within the institution during the period beginning on April 1 of the preceding year and ending on March 31 of the current year.

a. C-NLOPB OVERVIEW

The Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) was established by the Federal and Provincial Atlantic Accord Implementation Acts as an independent arms-length regulator for the exploration for, and development and production of, the oil and gas resources in the Canada-Newfoundland and Labrador Offshore Area. It reports to the Government of Newfoundland and Labrador and the Government of Canada through the Province's Minister of Industry, Energy and Technology and the Federal Minister of Natural Resources.

b. C-NLOPB MANDATE

To interpret and apply the provisions of the Atlantic Accord and the Atlantic Accord Implementation Acts to all activities of operators in the Canada-Newfoundland and Labrador Offshore Area; and, to oversee operator compliance with those statutory provisions.

c. C-NLOPB ROLE

In the implementation of its mandate, the role of the C-NLOPB is to facilitate the exploration for and development of the hydrocarbon resources in the Newfoundland and Labrador Offshore Area in a manner that conforms to the statutory provisions for:

- Offshore safety;
- Environmental protection and safety;
- Effective management of land tenure;
- Resource management; and,
- Canada-Newfoundland and Labrador benefits.

Worker health and safety and environmental protection will be paramount in all Board decisions.

d. C-NLOPB OBJECTIVES

i. SAFETY

- To verify that operators have appropriate safety plans in place.
- To verify, through audits and inspections, that operators follow their safety plans and applicable statutory requirements.
- To verify, through compliance actions, that deviations from approved plans and applicable statutory requirements are corrected.

ii. ENVIRONMENT

- To verify that operators assess and provide for effects of the environment on the safety of their operations.
- To verify that operators perform an environmental assessment pursuant to Canadian regulations, of the effects of their operations on the environment, and prepare a plan and provide for mitigation where appropriate.
- To verify, through compliance actions, that operators comply with their environmental plans.

iii. RESOURCE MANAGEMENT

- Effective and efficient administration of land tenure.
- Oversight of production activities for consistency with maximum recovery, good oilfield practice, production accounting and approved plans.
- To build a knowledge base for the Canada-Newfoundland & Labrador Offshore Area through the acquisition and curation of data from exploration and production activity.

iv. BENEFITS

- To verify operators comply with approved Canada-Newfoundland and Labrador Benefits Plan that addresses their statutory obligations.

2. ORGANIZATION AND IMPLEMENTATION OF THE ACT

The C-NLOPB's *Access to Information Act* responsibilities are assigned to the Exploration and Information Resources Department. The Information Resources Manager co-ordinates and processes requests as received in the Information Resources Centre. Information Resources staff, and when required, Legal Counsel have been tasked with the responsibility of reviewing and assisting with the processing of requests received under the *Access to Information Act*, and other staff of the C-NLOPB are consulted as required when completing requests.

The C-NLOPB did not enter any service agreements under section 96 of the *Access to Information Act* during the reporting period.

The C-NLOPB's enabling legislation, [Canada-Newfoundland and Labrador Atlantic Accord Implementation Act, S.C. 1987, c.3.](#) (*C-NLAAIA*), contains a provision (s.119) which prohibits the C-NLOPB from releasing confidential information obtained from companies operating in the Canada-Newfoundland and Labrador Offshore Area without the consent of the party which provided it. The Access to Information Coordinator is diligent in dealing with access requests to ensure that the C-NLOPB's s.119 obligations are not compromised and undertakes appropriate notification or consultation with interested parties before disclosing these records.

The Coordinator is responsible for providing updates of the C-NLOPB's information holdings to the Treasury Board Secretariat for inclusion in the *Info Source* publication.

a. PROCESSING OF FORMAL REQUESTS

To ensure effective and consistent administration of the legislation, the C-NLOPB maintains a system for processing requests aimed at disclosing the maximum information possible to the requestor which is not injurious to the public and private interest. The process also ensures that all representations from mandatory consultations, deliberations, and decisions expressed concerning each request are respected and responded to in the most timely and consistent manner given the nature and scope of the request.

b. PUBLIC ACCESS FACILITIES

The C-NLOPB maintains Access Reading Rooms at its offices in The Tower Corporate Campus in St. John's, Newfoundland and Labrador, which are available for the purpose of examining records which can be disclosed.

3. DELEGATION ORDER

The C-NLOPB's Information Resources Manager has been designated as Access to Information and Privacy Coordinator and exercises the powers delegated pursuant to the legislation (Appendix A).

4. SUMMARY OF INFORMATION REQUESTS

The C-NLOPB received two requests during the 2020-2021 reporting period, six less than the 2019-2020 reporting period and substantially less than the record-high of 40 requests received during the 2012-2013 reporting period. Over the past five years, the C-NLOPB has received on average 8 requests per year.

The 2020-2021 reporting period saw one request being received from academia and one from an individual (public).

A total of two requests were closed during the reporting period, one had information which was "All Disclosed", and one had information which was "Disclosed in Part" resulting in 100% of requests being "All Disclosed" or "Disclosed in Part" during the reporting period. The five year average indicates that 83% of requests result in information being "All Disclosed" or "Disclosed in Part."

One request is being carried to the next reporting period.

Responses were provided to requestors within "16 to 30 days" for one request and within "121 to 180 days" for the other.

One request required a 60 day extension pursuant to section 9(1)(a), due to a large number of records, and a 60 day extension pursuant to section 9(1)(c), in order to complete third party consultations. Responsive record were provided to the requestor after the legislated timeframe for response as a result of delayed response from third parties on required external consultations. This resulted in 50% of the requests being closed outside of legislated timeframes.

Informal Requests are not processed under the Act and, no fees apply, no deadlines for response and the requestor has no statutory right to complain to the Information Commissioner. During the reporting period the C-NLOPB received six "Informal Requests", the five year average is 4 informal requests being received annually.

During the reporting period, the C-NLOPB reviewed and commented on two consultations from Federal Government Institutions, and two from other Governments. The five year average for consultation requests received is 7, annually. The highest numbers of consultation requests were received in the 2012-2013 reporting period, where 23 were received.

The C-NLOPB instituted a work from home policy as a result of the COVID 19 pandemic, this however did not impede *Access to Information Act* activities during the reporting period.

a. FEDERAL COURT SUBMISSION

One request received during the reporting period resulted in a third party seeking review by the Federal Court to prevent the C-NLOPB from releasing their records to a requestor. 13 requests since 2011 have resulted in a third party seeking review by the Federal Court.

b. STATISTICAL REPORT

The C-NLOPB's statistical report on the *Access to Information Act* is presented in Appendix B and the Supplemental Statistical Report on the *Access to Information Act and Privacy Act* is presented in Appendix C.

5. EDUCATION ACTIVITIES

Along with on-boarding of new employees, the Access to Information Coordinator and one Data Management Analyst completed an online course – *Access to Information Act and Privacy Act* presented by Julie O'Grady, ATIP Specialist, otherwise no formal education activities related to the *Access to Information Act* occurred during the reporting period.

6. POLICY PROCEDURES IMPLEMENTED

The C-NLOPB did not implement any new Access to Information related policies, procedures or guidelines during the reporting period.

7. COMPLAINTS AND INVESTIGATIONS

During the reporting period, the Information Commissioner did not receive any complaints related to *Access to Information Act* requests processed by the C-NLOPB. The Information Commissioner's Office provided one "Report of Findings" related to previous complaints.

8. MONITORING OF REQUESTS

The C-NLOPB ATIP Coordinator has added metadata within the C-NLOPB document management system (HPRM) to allow the tracking of the receipt date and the legislated completion date (including extensions) of the requests to ensure compliance with the *Act*. Notifications are being used as a reminder that the close date is nearing. In the event that the timeframes extend past the legislated timeframe, the Chief Executive Officer and General Counsel for the organization will be notified.

APPENDIX A - DELEGATION ORDER

MEMO TO: Scott Tessier
Chief Executive Officer

FROM: Trevor Bennett
Information Resources Manager

DATE: February 25, 2020

SUBJECT: Designation of Privacy and Information Officer

Pursuant to section 3 of the *Access to Information Act*, R.S.C., 1985, c. A-1 (*ATIA Act*) and the *Privacy Act*, R.S.C., 1985, c. P-21 (*Privacy Act*) the head, in respect of the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB), means the Chief Executive Officer;

- (a) in the case of a department or ministry of state, the member of the Queen's Privy Council for Canada who presides over the department or ministry, or
- (b) in any other case, either the person designated under subsection 3.2(2) to be the head of the institution for the purposes of this Act or, if no such person is designated, the chief executive officer of the institution, whatever their title;**

And pursuant to section 95(1) of the *ATIA Act* and 73 of the *Privacy Act*;

95(1) The head of a government institution may, by order, delegate any of their powers, duties or functions under this *Act* to one or more officers or employees of that institution.

73(1) The head of a government institution may, by order, delegate any of their powers, duties or functions under this *Act* to one or more officers or employees of that institution.

Therefore, please indicate your approval to have myself designated the Privacy and Information Officer on behalf of the C-NLOPB by signing the attached form and returning same to myself or John Crocker for further handling.

DELEGATION ORDER

Pursuant to section 95 of the *Access to Information Act* and section 73 of the *Privacy Act*

The head of the Canada-Newfoundland and Labrador Offshore Petroleum Board, Scott Tessier, Chief Executive Officer, pursuant to section 95 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the person holding the position set out in the Schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Chief Executive Officer of the Canada-Newfoundland and Labrador Offshore Petroleum Board, under the provisions of the Acts and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders and appointments.

Schedule

<i>Position</i>	<i>Access to Information Act and Regulations</i>	<i>Privacy Act and Regulations</i>
Information Resources Manager	Full Authority	Full Authority

Dated this 25 day of February, 2020



Scott Tessier
Chief Executive Officer

APPENDIX B - STATISTICAL REPORT



Statistical Report on the *Access to Information Act*

Name of institution: Canada-Newfoundland and Labrador Offshore Petroleum Board

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Requests Under the *Access to Information Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	2
Outstanding from previous reporting period	1
Total	3
Closed during reporting period	2
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	1
Business (private sector)	0
Organization	0
Public	1
Decline to Identify	0
Total	2

1.3 Informal requests

Completion Time							
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
6	0	0	0	0	0	0	6

Note: All requests previously recorded as “treated informally” will now be accounted for in this section only.

Section 2: Decline to act vexatious, made in bad faith or abuse of right requests

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Carried over to next reporting period	0

Section 3: Requests Closed During the Reporting Period

3.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	0	0	0	0	1	0	0	1
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	0	1	0	0	1	0	0	2

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	1	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	0	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	1
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16.5	0				
16(1)(b)	0	16.6	0				
16(1)(c)	1	17	0				
16(1)(d)	0						

3.3 Exclusions

Section	Requests	Section	Requests	Section	Requests
68(a)	1	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

3.4 Format of information released

Paper	Electronic	Other
0	2	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
2618	414	2

3.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	1	4	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	1	410	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Declined to Act with the approval of the Information	0	0	0	0	0	0	0	0	0	0
Total	1	4	0	0	0	0	1	410	0	0

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	1	0	0	0	1
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Declined to Act with the approval of the	0	0	0	0	0
Total	1	0	0	0	1

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	1
Percentage of requests closed within legislated timelines (%)	50%

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
1	0	1	0	0

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	1	1
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	1	1

3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 4: Extensions

4.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	1	0	0	1
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Declined to Act with the approval of the Information Commissioner	0	0	0	0
Total	1	0	0	1

4.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	0	0	0	0
31 to 60 days	1	0	0	1
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	1	0	0	1

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	1	\$5	1	\$5
Other fees	0	\$0	0	\$0
Total	1	\$5	1	\$5

Section 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	2	2	2	17
Outstanding from the previous reporting period	0	0	0	0
Total	2	2	2	17
Closed during the reporting period	2	2	2	17
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	1	0	0	0	0	0	0	1
Disclose in part	1	0	0	0	0	0	0	1
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	2	0	0	0	0	0	0	2

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	1	0	0	0	0	0	0	1
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	1	0	0	0	0	0	0	1
Total	2	0	0	0	0	0	0	2

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Section 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
0	0	0	1	0	0

Section 9: Court action

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	1

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

Section 10: Resources Related to the Access to Information Act

10.1 Costs

Expenditures		Amount
Salaries		\$108,380
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$108,380

10.2 Human Resources

Resources	Access to Information
Full-time employees	1.000
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	1.000

Note: Enter values to two decimal places.

APPENDIX C - SUPPLEMENTAL STATISTICAL REPORT



Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act*

Name of institution: Canada-Newfoundland and Labrador Offshore Petroleum Board
 Reporting period: 4/1/2020 to 3/31/2021

Section 1: Capacity to Receive Requests

1.1 Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	52
Able to receive requests by email	52
Able to receive requests through the digital request service	52

Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	-	-	52	52
Protecté B Paper Records	-	-	52	52
Secret and Top Secret Paper Records	-	-	52	52

2.1 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	-	-	52	52
Protecté B Paper Records	-	-	52	52
Secret and Top Secret Paper Records	-	-	52	52